

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

STEVEN T MILLER

Petitioner,

v.

GARY FLEMMING,

Respondent.

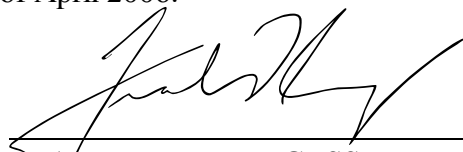
Case No. C05-5661FDB

ORDER ADOPTING
REPORT AND
RECOMMENDATION

The Court having reviewed the Report and Recommendation of the Hon. J. Kelley Arnold United States Magistrate Judge, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and Order:

- (1) The Court adopts the Report and Recommendation;
- (2) The petition is **DISMISSED WITHOUT PREJUDICE**. The issues presented are currently in state court and are therefore unexhausted.
- (3) The clerk is directed to send copies of this Order to Petitioner, and to the Hon. J. Kelley Arnold.

DATED this 12th day of April 2006.


FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE